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09/836,854	04/17/2001	Douglas Wolfe	066560:0107	5105

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FOLEY & LARDNER  
150 EAST GILMAN STREET  
P.O. BOX 1497  
MADISON, WI 53701-1497

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,854

Applicant(s)

WOLFE, DOUGLAS

Examiner

Omar Flores-Sánchez

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9, 11-21 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 10, 22 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment received on 03/018/05.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884) and Bean et al. (4,479,641).

O'Brien et al. discloses (Fig. 1-9) the invention substantially as claimed including a trim press (see Fig. 2) and a plastic sheet 50a. O'Brien et al. does not show an endless belt conveyor, an intake end and a discharge end, a motor and guide rods. However, Shann et al. teaches the use of an endless belt conveyor 10, an intake end and a discharge end (see Fig. 2); and a motor (see col. 1, line 62) for the purpose of simple adjusting the device for controlling length of the product to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the endless belt conveyor, the intake end and the discharge end and the motor as taught by Shann et al. in order to simple adjust the device for controlling length of the product to be cut.

Regarding the guide rods, Bean et al. teaches the use of guide rods 60 for the purpose of guiding the sheet and utilizing gravity feed to reduce manufacturing cost. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the guide rods as taught by Bean et al. in order to obtain a device that guides the sheet and reduces manufacturing cost.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Martin (3,912,258), Switzer et al. (4,182,207) and J. H. W. Johannsen (2,817,376).

O'Brien et al. discloses the invention substantially as claimed except for a pair of guide wheels and means for mounting the guide wheels, guide plates and means for mounting guide wheels and guide plates for adjustment of the lateral position, a clamp and a locking mechanism. However, Switzer et al. teaches the use of guide plates, a clamp and a locking mechanism (74-75, see Fig. 3) for the purpose of guiding the product and adjusting the guides at a desired lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing guide plates, the clamp and the locking mechanism as taught by Switzer et al. in order to obtain a device that guides the product and adjusts the guides at a desired lateral position.

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Regarding the pair of guide wheels, Martin teaches the use of a pair of guide wheels 39 for the purpose of holding the product against the conveyor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the pair of guide wheels as taught by Martin in order to obtain a device that a better holds the product against the conveyor.

Regarding means/clamp for mounting guide wheels for adjustment of the lateral position, Johannsen teaches the use of means/clamp (*M* and *m*) for mounting guide wheels *S* for adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884) and Bean et al. (4,479,641) as applied to claim 1 above, and further in view of Green et al.

The modified device of O'Brien et al. discloses the invention substantially as claimed except for a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884), Bean et al. (4,479,641) and Green et al. as applied to claims 1 and 4 above, and further in view of Nieminen et al. (4,997,524).

The modified device of O'Brien et al. discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the blower as taught by Nieminen in order to obtain a device that releases the sheet from the conveyor and guides the sheet.

8. Claims 11, 19-20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884) and Switzer et al. (4,182,207).

O'Brien et al. discloses (Fig. 1-9) the invention substantially as claimed including a trim press (see Fig. 2) and a plastic sheet 50a. O'Brien et al. does not show an endless belt conveyor, an intake end and a discharge end, a motor and guide plates. However, Shann et al. teaches the use of an endless belt conveyor 10, an intake end and a discharge end (see Fig. 2); and a motor (see col. 1, line 62) for the purpose of simple adjusting the device for controlling length of the product to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the endless belt conveyor, the intake end and the discharge end and the motor as taught by Shann et al. in order to simple adjust the device for controlling length of the product to be cut.

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Regarding the guide plates, Switzer et al. teaches the use of guide plates a clamp and a locking mechanism (74-75, see Fig. 3) for the purpose of guiding the product and adjusting the guides at a desired lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing guide plates, the clamp and the locking mechanism as taught by Switzer et al. in order to obtain a device that guides the product and adjusts the guides at a desired lateral position.

9. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884) and Switzer et al. (4,182,207) as applied to claim 11 above, and further in view of Martin (3,912,258) and J. H. W. Johannsen (2,817,376).

O'Brien et al. discloses the invention substantially as claimed except for a pair of guide wheels and means for mounting the guide wheels. Martin teaches the use of a pair of guide wheels 39 for the purpose of holding the product against the conveyor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the pair of guide wheels as taught by Martin in order to obtain a device that a better holds the product against the conveyor.

Regarding the means for mounting the guide wheels, Johannsen teaches the use of means/clamp (*M* and *Q*) for mounting guide wheels *S* for adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust

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the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

Regarding the air cylinder, the Examiner takes Official Notice that the use of an air cylinder is old and well known in the art for the purpose of having better control of the amount of pressure applied to the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified guide wheels of O'Brien et al. by the air cylinder in order to obtain a better control of the amount of pressure applied to the workpiece.

10. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884) and Switzer et al. (4,182,207) as applied to claim 11 above, and further in view of Green et al.

The modified device of O'Brien et al. discloses the invention substantially as claimed except for a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. (2,808,884), Switzer et al. (4,182,207) and Green et al. as applied to claims 11 and 16 above, and further in view of Nieminen et al. (4,997,524).



The modified device of O'Brien et al. discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the blower as taught by Nieminen in order to obtain a device that releases the sheet from the conveyor and guides the sheet.

12. Claims 23, 26, 28-29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. and Green et al.

O'Brien et al. discloses (Fig. 1-9) the invention substantially as claimed including a trim press (see Fig. 2) and a plastic sheet 50a. O'Brien et al. does not show an endless belt conveyor, an intake end and a discharge end, a motor and guide plates. However, Shann et al. teaches the use of an endless belt conveyor 10, an intake end and a discharge end (see Fig. 2); and a motor (see col. 1, line 62) for the purpose of simple adjusting the device for controlling length of the product to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the endless belt conveyor, the intake end and the discharge end and the motor as taught by Shann et al. in order to simple adjust the device for controlling length of the product to be cut. O'Brien et al. does not show a limit switch and a trip rod. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have

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modified the device of O'Brien et al. by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted.

13. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. and Green et al. as applied to claim 23 above, and further in view of J. H. W. Johannsen (2,817,376) and Switzer et al. (4,182,207).

O'Brien et al. discloses the invention substantially as claimed except for a pair of guide wheels, means for mounting the guide wheels and guide plates for adjustment of the lateral position. Martin teaches the use of a pair of guide wheels 39 for the purpose of holding the product against the conveyor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the pair of guide wheels as taught by Martin in order to obtain a device that a better holds the product against the conveyor.

Regarding the guide plates, a clamp and a locking mechanism, Switzer et al. teaches the use of guide plates, a clamp and a locking mechanism (74-75, see Fig. 3) for the purpose of guiding the product and adjusting the guides at a desired lateral position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing guide plates, the clamp and the locking mechanism as taught by Switzer et al. in order to obtain a device that guides the product and adjusts the guides at a desired lateral position.

Regarding means/clamp for mounting guide wheels for adjustment of the lateral position, Johannsen teaches the use of means/clamp (*M* and *Q*) for mounting guide wheels *S* for

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adjustment of the lateral position for the purpose of changing the contact pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the guide wheels of O'Brien et al. by providing means/clamp for mounting guide wheels as taught by Johannsen in order to adjust the lateral position of the guide wheels to improve the contact pressure between the sheets and the conveyor.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (3,388,625) in view of Shann et al. and Green et al. as applied to claim 23 above, and further in view of Nieminen et al. (4,997,524).

The modified device of O'Brien et al. discloses the invention substantially as claimed except for a blower. However, Nieminen teaches the use of a blower 25 for the purpose of releasing the strip from the cylinder 10 and guiding the web to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Brien et al. by providing the blower as taught by Nieminen in order to obtain a device that releases the sheet from the conveyor and guides the sheet.

***Allowable Subject Matter***

15. Claims 10, 22 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

16. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700